



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 19, 1995

Mr. Leonard W. Peck, Jr.  
Assistant General Counsel  
Legal Affairs Division  
Texas Department of Criminal Justice  
P.O. Box 99  
Huntsville, Texas 77342-0099

OR95-1456

Dear Mr. Peck:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. We assigned your request ID# 29998.

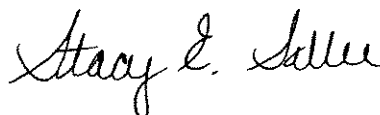
The Texas Department of Criminal Justice (the "department") received a request for certain internal affairs investigative reports regarding the requestor and a certain inmate. You object to release of the requested information and claim that sections 552.101, 552.107, and 552.108 of the Government Code except it from required public disclosure.

Section 552.108(a) excepts from disclosure records of law enforcement agencies or prosecutors that deal with criminal investigations and prosecutions. When applying section 552.108, this office distinguishes between cases that are still under active investigation and those that are closed. Open Records Decision No. 611 (1992) at 2. In cases that are still under active investigation, section 552.108 excepts from disclosure all information except that generally found on the first page of the offense report. *See generally Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976); Open Records Decision No. 127 (1976). Once a case is closed, information may be withheld under section 552.108 only if its release "will unduly interfere with law enforcement or crime prevention." *See Ex parte Pruitt*, 551 S.W.2d 706 (Tex. 1977); Attorney General Opinion MW-446 (1982); Open Records Decision Nos. 444 (1986), 434 (1986).

You inform us that a criminal prosecution resulted from this investigation and that the prosecution is currently pending. Therefore, we conclude that, except for information that would typically appear on the first page of an offense report, the department may withhold the requested information under section 552.108 of the Government Code. As we resolve this matter under section 552.108, we need not address the applicability of sections 552.101 and 552.107 at this time.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and may not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Stacy E. Sallee". The signature is fluid and cursive, with the first name "Stacy" and last name "Sallee" clearly distinguishable.

Stacy E. Sallee  
Assistant Attorney General  
Open Records Division

SES/rho

Ref.: ID# 29998

Enclosures: Submitted documents

cc: Mr. Billy S. Tillman  
(w/o enclosures)